

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 2865 of 2000

Umesh Prasad

Versus

The State of Bihar & Ors.

With

CWJC No. 6733 of 2001

Smt. Meera Verma

Versus

The Bihar State Housing Board & Ors.

With

CWJC No. 2859 of 2000

Parmeshwar Jha

Versus

The State of Bihar & Ors.

With

CWJC No. 8899 of 2001

Parma Nand Prasad Singh

Versus

The State of Bihar & Ors.

With

CWJC No. 14577 of 2001

Hari Narayan Choudhary

Versus

Bihar State Housing Board & Ors.

With

CWJC No. 15240 of 2001

Sri Dilip Chakarvarty

Versus

Bihar State Housing Board & Ors.

With

CWJC No. 13098 of 2002

Jai Prakash Sahay

Versus

The State of Bihar & Ors.

With

CWJC No. 4279 of 2003

Maj. Balbir Singh Bhasin @ Maj Balbir Singh

Versus

The Bihar State Housing Board & Ors.

With

CWJC No. 5169 of 2003

Shefali Roy

Versus

The Bihar State Housing Board & Ors.

With

CWJC No. 2354 of 2002

Hari Saran Thakur

Versus

Bihar State Housing Board & Ors.

With
 CWJC No. 9442 of 1999
 Shiv Nath Chaudhary
 Versus
 The Bihar Housing Board & Ors.

6 19.2.2009 It appears that there is always a communication gap in this case between the Court and the counsel for the Housing Board. At least four supplementary counter affidavits have already been filed but the question begging for answer still remains at the same place. All that the petitioners are urging before this Court is that when they were allotted plots of land in the year 1984 or thereafter, they were communicated tentative price which was roughly Rs. 3/- to Rs. 3.50/- per sqft. They however, have been now asked after almost 24 years to pay an exorbitant amount which will make their cost of land some more than Rs. 50/- per sqft.

The answer given by Mrs. Agarwal, Counsel for the Board, that they are only component of interest over the amount originally fixed by way of tentative cost of Rs. 5,810/- for 1800 sqft of land does not seem to be correct. In fact, when the attention of the counsel was drawn towards Annexure-E, she frankly conceded that the price of the land itself was revised in the year 1998 by an office order no. 2567 dated 16.6.1998 revising the price of the same plot which was given to the petitioner

in this case for a sum of Rs. 5,810/- (for 1800 sqft) to Rs.61,560/-. That would mean that the price of the same plot in a span of fourteen years had multiplied by almost 11 to 12 times. There is no explanation as to how this amount had been derived and as to whether such amount is covered by the expression in the letter of allotment in Clause-3 which envisages further revision of price of plot in the event of enhancement of the cost of land acquisition, development cost etc. It is thus clear that unless and until, this enhancement of price of plot in the year 1998 would be explained, it would always be a futile exercise by the Board to explain things by annexing some report of the Chartered Accountant or some order of the Directors of the Board as to how the cost of the same land possession whereof was already given in the year 1984 for a tentative cost of Rs. 5,810/- got enhanced to Rs. 61,560/- on 16.6.1998.

It is well settled that this Court while exercising its power under Article 226 of the Constitution of India in the matter of price fixation, would not take up the mantle of an accountant as was held by the Division Bench in the case of M/s Pulak Enterprises Vs. The Bihar State Electricity Board & Ors. reported in 2000 (3) PLJR 552 but, at the same time, this Court would not shirk its duty to ascertain as to whether any component

which was not supposed to be included fixation of rate of land has been included which in turn has jacked up the price not permissible on fact or in law.

Keeping all these aspects into consideration, this Court would give one and last chance to the Board to now justify the price in each and every case which have been made analogues to this writ application by filing a correct supplementary counter affidavit within a period of six weeks. A copy of such supplementary counter affidavit must be served on the counsel for the petitioner in advance i.e. by the end of five weeks from today.

List all these cases as a tied up matter after six weeks at the top of the list.

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(Mihir Kumar Jha, J.)

